

Stop-and-Frisk Update: Moving Forward to Real Reform

Since our last newsletter, there have been a number of important developments in CCR's landmark stop-and-frisk class action lawsuit, *Floyd v. City of New York*. From October to January, the Bloomberg administration made a determined effort to undermine the trial court's historic decision finding the New York Police Department (NYPD) liable for its unconstitutional and racially discriminatory practices. The City's efforts were aided by a series of troubling rulings by the court of appeals, which required remarkable litigation and advocacy efforts to keep the case alive and ensure the court-ordered reforms would move forward. The *Floyd* case crystalized so much of the City's frustration over the Bloomberg administration's policing practices that discussions about the *Floyd* appeal became a centerpiece of the transition period for Mayor-elect Bill de Blasio—pushing the new mayor to promise to drop the City's appeal and work toward reforms. CCR worked alongside its allies to ensure the mayor would keep this commitment. Numer-



Mayor Bill de Blasio announces that the City has agreed to drop the appeal in CCR's stop-and-frisk case, alongside CCR client Nicholas Peart and CCR Executive Director Vince Warren.

ous state, local and federal elected officials, as well as organizers and community groups, made specific demands to the new mayor that he drop the appeal and embrace reform.

On January 30th, CCR was thrilled to announce—at a press conference alongside Mayor de Blasio in a recreation center in the Brownsville sec-

tion of Brooklyn that had the highest concentration of stop-and-frisks—that the parties reached an agreement for the City to drop the appeal in *Floyd*. The agreement clears the way for the important work of identifying and implementing lasting reforms to the NYPD's stop-and-frisk practices and holding the NYPD accountable

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In Historic First, Vatican Forced to Answer to the UN on its Record of Rape and Sexual Violence

In Geneva, Switzerland, on January 16th, the Vatican was called before the United Nations Committee on the Rights of the Child (UNCRC) to respond to tough questions on the long-standing global crisis of sexual violence committed by Catholic clergy against children and vulnerable adults. High-level representatives from the Vatican were faced with specific questions related to credible allegations that the Holy See enabled and perpetuated the violence by transferring pedophile priests to different parishes, covering up their crimes and failing to cooperate with national authorities.

The UNCRC questioned the Vatican before a room overflowing with press and observers, including survivors from around the world who traveled thousands of miles to participate in and witness this historic event. Representatives from CCR and our client, the Survivors Network of those Abused by Priests (SNAP), were present at the hearing, which was the first opportunity for international public accountability ever. CCR and SNAP had presented two reports to the UNCRC in advance of the hearing.

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Letter from the Executive Director

On February 24, Ugandan President Yoweri Museveni signed the notorious Anti-Homosexuality Bill into law, instantly criminalizing the very existence of our client Sexual Minorities Uganda (SMUG) and outlawing LGBTI people's ability to advocate for their lives and their rights. Such a fundamental denial of rights to an entire class of people is illegal under international law as well as the Ugandan constitution and it demonstrates precisely why SMUG and CCR's fight to hold Scott Lively accountable for his role in engineering this persecution is so important.

Just three days earlier Lively stood in the National Press Club and proudly announced that he was forming a new group to fight the global LGBTI rights movement. The move came less than a week after a mob and police officers viciously beat a group of gay men in Nigeria, part of a wave of violence that has followed that country's enactment of a draconian anti-LGBTI law in January; and three days after Gambian President Yahya Jammeh called gay people "vermin" and vowed their eradication "the same way we are fighting malaria-causing mosquitoes, if not more aggressively." With the international spotlight on Russia's anti-gay law, arrests and vigilante violence thanks to the Sochi Olympics, Lively also took the opportunity to praise President Putin for signing the law and reminded people that he has been to Russia several times.

A human rights crisis is brewing for LGBTI people in these and other countries, and if there is a silver lining to this terrible situation it is that by advertising his role in feeding the crisis, Scott Lively has helped U.S. activists raise awareness in our country of the connection between U.S. extremists and global developments. That connection, of course, is the heart of SMUG and CCR's case against Lively: he is a



CCR Executive Director Vince Warren

persecution consultant, flying around the world to advise religious and governmental authorities on what to say and what to do in order to strip LGBTI people of their fundamental rights and criminalize their existence.

Lively decries the lawsuit as an attack on his "religious liberty." That Orwellian fiction comes from the same playbook as those who in the U.S. are trying to pass Jim Crow-like laws that allow businesses to deny service to LGBTQ customers. The Kansas and Arizona bills briefly made headlines this winter but there are 14 other states where similar laws have been proposed. Their proponents claim that their religious liberty is infringed if they are not allowed to discriminate against people they don't like—because the reasons they don't like them are religious. Note also that right-wing Christian organizations make the same argument in objecting to anti-bullying laws and policies—that requiring children not to torment their classmates infringes on religious liberty if those children think homosexuality is a sin, a fact that angers me considering that 83% of U.S. LGBTQ youth report being verbally harassed at school, 33% report being physically harassed, and queer youth face four times the risk of suicide than straight kids.

But as even many Republicans understand, the U.S. Constitution does not recognize a right to discriminate or bully in the guise of religion. And, thanks to your support of CCR, Scott Lively's days of roaming the globe to whip up anti-gay hate are numbered, too. Lively has filed three separate last-ditch attempts to prevent our lawsuit from moving forward since the judge tossed out his motion to dismiss in August. All three have been promptly dismissed. The day that we begin discovery in this case, and start unearthing all the details of his persecutory pursuits is drawing closer and I thank you for helping to make this important work possible.

—Vince Warren

Thelma Newman Society

We welcome and thank the newest members of the Thelma Newman Planned Giving Society, a group of individuals who decided to include CCR in their estate plans or established annuities with the Center. These gifts build our endowment, ensuring CCR's progressive legal work for future generations.

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Our donors and supporters make our cutting-edge human rights work possible. Thank you so much!

The individuals listed joined between Jun 16, 2013- Feb 15, 2014.

Stop-and-Frisk Update (continued from cover)

to ensure these reforms happen. The press conference was packed with journalists, elected officials, community members, plaintiffs and attorneys. CCR Executive Director Vince Warren gave moving remarks about the 1999 murder of Amadou Diallo in a hail of 41 shots by NYPD officers, and CCR's 14-year struggle, alongside activists and affected communities, to achieve meaningful police accountability for confrontational and discriminatory policing. He also stressed that: "the legal questions have been settled; now we begin the work to bring real, lasting and concrete change to the NYPD and to the City of New York."

Under the agreement that CCR reached, the City has agreed to accept the findings of the *Floyd* trial court detailing the NYPD's illegal practices, and to implement in full the remedial process ordered by the district court, including the court-appointed monitor, Peter Zimroth, and a joint remedial process facilitated by Vera Institute Executive Director, Nicholas Turner, which will bring all relevant stakeholders and community groups to the same table as the NYPD. In exchange, CCR agreed to limit the duration of the monitor to three years, if the City is

in compliance with the court's orders. The City and CCR asked—and the court of appeals recently agreed—to send the case back to the district court to finalize this agreement and to deal with attempts by the police unions to intervene in the case and block potential reforms. We are hopeful that the police unions' attempt to intervene will not be accepted by the court and we can move forward with the full and ambitious court-ordered reform process.

It has taken decades to reach this point. From successfully litigating our first case, *Daniels v. City of New York*, which required the NYPD to collect the data on which our *Floyd* claims were based, and now as lead counsel in the reform process, the Center is excited for this moment. It presents an unprecedented opportunity to create positive change within the NYPD, which will have implications on policing nationally and internationally as well. The finding by the district court of systematic 4th and 14th Amendment violations, and the breadth of the reform process, have created a groundbreaking moment for civil rights and criminal justice reform. As Vince said in the joint press conference with the City, "this is where the



CCR client Nicholas Peart speaks to press following *Floyd* press conference.

real work begins."

In March, CCR traveled to Geneva to highlight the issue of stop-and-frisk before the United Nations in light of the review of the U.S. government's compliance with its international civil and political rights obligations.

 For more updates on the latest developments in *Floyd*, visit: www.CCRjustice.org/floyd

To read Vince's remarks in full, go to: huff.to/1fDUIAq

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Vatican Forced to Answer to the UN (continued from cover)

The success of the hearing was a result of the strong partnership between SNAP and CCR, which began around the filing of a case at the International Criminal Court (ICC). In September 2011, SNAP and CCR presented the ICC with a criminal complaint that set out the responsibility of high-level Vatican officials for the widespread violence and presented evidence of the decades-long, systematic and global nature of the crimes. The revelations in the ICC complaint, along with tireless follow-up work, created a sea change in the worldwide perception of the crisis and afforded new energy to a now global movement to end rape and sexual violence by clergy and hold the Vatican accountable.

CCR and survivors were not disappointed in the results of the UNCRC hearing. This February, the UNCRC issued a watershed report finding that the “Holy See has consistently placed the preservation of the reputation of the Church and the protection of the perpetrators above children’s best interests.” Among its many recommendations, the Committee called on the Vatican to “immediately remove all known and suspected child sexual abusers from assignment and refer the matter to the relevant law enforcement authorities for investigation and prosecution purposes.” While these recommendations are nonbinding, the Vatican, as a State Party to the Convention, has a responsibility to meet these obligations and report back by 2017.


Megan Peterson, a SNAP leader and survivor, who was in Geneva for the hearing, perhaps said it best: “I feel like a door to justice and transparency has been opened.”

CCR and SNAP will also be submitting a report to a



CCR and SNAP team at the UN Committee on the Rights of the Child hearing in Geneva.

second UN body, the Committee Against Torture (CAT). In April, that Committee will question the Vatican for the first time on its compliance with the Convention Against Torture, which has long addressed rape and sexual violence as forms of torture and cruel, inhuman and degrading treatment. Once again, CCR and SNAP will be there to bear witness and pursue accountability for Vatican officials involved in cover-ups and perpetuating ongoing sexual violence.

 To learn more, go to: www.CCRjustice.org/snap

Donor Spotlight: **Bryan Kutner**

When CCR and our client, Sexual Minorities Uganda, launched our “Stop Scott Lively” crowdfunding campaign, Bryan Kutner, a global public health trainer who’s pursuing a PhD in psychology at the University of Washington, immediately took action.

“I support CCR because of its progressive politics and defense of human rights, from its work with Guantánamo to stop-and-frisk. When I learned about CCR’s precedent-setting case to protect LGBTQ rights worldwide and stop the right-wing extremist behind the anti-gay laws in Russia and Uganda, I had to make a gift to support the cause. Scott Lively needs to be held accountable for persecution.”

CCR’s campaign began in early February when there were indications that Uganda’s Anti-Homosexuality Bill (AHB) might be signed into law. Unfortunately, it was signed on February 24, making Bryan’s gift even more timely. The AHB makes LGBTI Ugandans’ advocacy, relationships, and very existence illegal and punishable by life in prison. To learn more about the case against Scott Lively and the persecution in Uganda, visit: www.CCRjustice.org/smug



GTMO: 12 Years and Still Fighting

January 11, 2014 marked the somber 12th anniversary of the first prisoners arriving at Guantánamo. While the fact that President Obama released a total of 11 men between August and December 2013 is positive—excluding the two who were callously sent to Algeria against their will—the fact remains that Guantánamo is increasingly becoming an internment camp for Yemeni men. More than two-thirds of the remaining detainees are Yemeni, including most of CCR’s remaining clients. The 2014 National Defense Authorization Act signed into law in December 2013 eased legislative restrictions that President Obama maintained complicated the administration’s efforts to release detained men and close the camp. Now that Obama has the flexibility he said he needed from Congress, he must act.

Longtime CCR client Djamel Ameziene was one of the two men repatriated to Algeria against their will on December 5, 2013. Djamel had been at Guantánamo for more than 10 years without charge or trial, and cleared for transfer since 2008. Despite his well-founded fear of persecution in his home country, and in violation of international law including the Convention against Torture, and without the opportunity to register protest or stop the process (as he had been able to in 2008), Djamel was sent to Algeria and held in secret detention for about a week before being released to his family, a very ill man. CCR’s representation of Djamel will continue in the years ahead as he may face eventual criminal prosecution in Algeria, which is when he would face the greatest risk of persecution. CCR held an emergency protest in front of the Algerian Embassy on December 5, demanding they set Djamel free.

While the remaining 155 men’s stories differ, all endure the crushing torment that comes with being

indefinitely detained for more than 12 years without charge or trial. Our client Fahd Ghazy was only 17 years old when he was rendered to Guantánamo and is one of the last remaining men to have been detained as a juvenile. He was cleared for transfer in 2007 and again in 2009. CCR is putting the finishing touches on a mini-documentary about Fahd, his life, and his family and community in Yemen where he hopes to return when he is finally released. The film will be available on our website later this year. Our legal team is also currently preparing for an administrative hearing in early April, when President Obama’s new Periodic Review Board will review our client Ghaleb Al-Bihani’s status and either approve him for transfer or for continued and indefinite detention. Ghaleb is one of approximately 70 men the Obama administration has not yet cleared but has no plans to charge. Another client, Majid Khan, was charged by military commission in February 2012 and ultimately pled guilty in exchange for the chance to be released as early as 2016, but no later than 17 years from now. CCR continues to demand transparency and accountability from the U.S. government for Majid’s torture through the sentencing phase of his military commission case.

In his January State of the Union address, President Obama committed, once again, to closing the prison. On all fronts, CCR will continue our coordination of habeas counsel, continue international advocacy, ramp up our public advocacy, develop new possible litigation strategies, and advocate for the Obama administration to release all the men it does not intend to try in a fair court, as we have tirelessly done for the last 12 years.



Watch videos about our Gitmo work at www.CCRjustice.org/gitmo



David Hicks speaking in 2012.

On November 5, 2013, CCR launched a direct challenge to the military commissions system itself. Along with co-counsel, we filed an appeal on behalf of David Hicks, the Australian detainee repatriated in 2007 following his conviction in the military commissions for “providing material support for terrorism,” a charge to which he’d pled guilty in order to escape continuing abuse and indefinite detention at Guantánamo. He was the first prisoner to be convicted in a military commission and was a party in the historic Supreme Court ruling in *Rasul v. Bush*.

The appeal follows a decision by a federal court that material support is not and has never been an international war crime triable by military commission. It also asserts that Hicks’ guilty plea was involuntary because he was tortured. Faced with no defense on the merits of Hicks’ appeal, the U.S. is attempting to delay as long as possible and convince the court to reject it on novel procedural grounds. A second detainee, Omar Khadr, has also appealed his conviction. If successful, these appeals will demonstrate, yet again, what CCR has been saying from the beginning about military commissions—that they are courts whose verdicts will never carry real weight or validity.

Promoting First Amendment Rights of Activists

Too often, litigation is too far removed from movements for change. CCR's goal is exactly the opposite: to use our legal work to support and further social justice efforts. A recent court date in *Blum v. Holder*, CCR's case challenging the Animal Enterprise Terrorism Act (AETA), is an example of this intention at its best. The AETA punishes causing lost property or profits to a business that uses or sells animals or animal products. On February 3, CCR actively pushed back against the AETA's chilling effect.

The day began with supporters from near and far packing a standing-room-only court in Boston to hear CCR Senior Staff Attorney Rachel Meeropol urge the First Circuit Court of Appeals to strike down the AETA as a violation of the First Amendment. Al Jazeera, the National Law Journal, RT, Animal Voices Radio, and Occupy.com covered the argument.

Meanwhile, a small social media storm was circulating our words. Plaintiff Ryan Shapiro published a Truthout blog, describing the experiences that led him to join the lawsuit along with his academic work tracing the history of repression against animal rights activists. Rachel Meeropol wrote a blog on the Huffington Post, called "Activists Are Fighting to Speak. Are You Willing To Listen?", which accompanied "Today, I'm Speaking Out"—a video featuring the *Blum* plaintiffs explaining why they believe animal rights is part of the struggle for justice. The video received over 1,000 views in less than 24 hours. With this video, CCR promoted the voices of those who have been chilled, actively combatting the AETA's repression. As Rachel wrote in her blog, "[l]egal cases are one way to fight the effort to silence these activists. Another way is to promote their voices and to listen to what they are saying. [T]o consider that, maybe, these activists have something important to say."

The day ended with "From Terrorism to Activism: Moving from the Green




CCR legal team and plaintiffs in *Blum v. Holder*, along with animal rights activists, after February 3 argument in Boston.

Scare to Animal Rights," a Suffolk Law School panel featuring Rachel, *Blum* plaintiff and CCR Communications Associate Lauren Gazzola, and Philosophy Professor John Sanbonmatsu, discussing connections between the defense of activists and the substantive issue of animal rights.

This was CCR's movement support at its finest—marching into court demanding justice, and marching right

back out to join arms with those fighting for it.

 Watch the "Today I'm Speaking Out" video at: www.CCRjustice.org/aeta

Update: On March 7, the appellate court affirmed the district court's dismissal of *Blum*. CCR is currently considering options for next steps.

Bertha SJI in India

Thanks to the generous support of the Bertha Foundation, dozens of young lawyers and activists from the Bertha Be Just Network traveled from around the world to build connections, compare work, and learn from each other and from the local activists in India at the Global Alliance for Justice Education conference. Representatives from CCR were Bertha Social Justice Institute Director Purvi Shah, and CCR Bertha Be Just Fellows Jessica Lee, Susan Hu, and Chauniqua Young. From issues ranging from global LGBT struggles to local challenges in the form of government oppression under the Armed Forces Special Powers Act; from the court room to the street; from meetings with activists who risk their lives and liberty to fight for justice; and so much more, the participants were moved by what they saw and vowed to bring this experience home to deepen their own work.



CCR in Brief....

- In February, **after an 18-year battle**, a federal appeals court upheld a lower court ruling in CCR's class action lawsuit, *Gulino v. The Board of Education of the City of New York*. The court ruled that the state could be held liable under federal civil rights law for using a teacher certification test that was unrelated to job requirements, but had a **racially disparate impact on Black and Latino test-takers**. Though stripped of union membership, pensions and various benefits, many of the "unqualified" teachers were nonetheless returned to the classroom as substitute and temporary hires; and surprisingly, with far lower salaries and no union protections. This victory clears the way for ending the use of the discriminatory tests and **awarding back pay and benefits to hundreds of clients**.
- On February 5, CCR released a **seven-page educational comic**, *The Case Against Scott Lively*, **outlining and making accessible the persecution framework** that underlies CCR's *Sexual Minorities Uganda v. Scott Lively* case. We published it on *Huffington Post* and other blogs and have begun print distribution at conferences and to groups and activists around the world. It can be found along with other new materials about the case on our website at: CCRjustice.org/SMUG
- After a rigorous campaign by CCR and its allies, the **New York State legislation intended to limit academic groups' protests against Israel** was abruptly withdrawn from consideration by the State Assembly on February 3. CCR, educators and other groups denounced the bills as an **outright assault on academic freedom**. Thank you to all our supporters who took this action—you **made a difference!**
- In January, CCR filed a cert petition with the U.S. Supreme Court to review our case, *CCR v. Obama*, **challenging surveillance by the NSA**, particularly in light of Edward Snowden's June 2013 revelations about the true extent of the spying program. First filed in 2006, *CCR v. Obama* originally sought an **end to the warrantless NSA spying** that began under the Bush administration. The case now seeks destruction of documents or recordings from that program, which operated with no judicial oversight or congressional approval. The Obama administration has refused to take any position on whether or not the Bush-era NSA program was legal.
- In November, CCR and the Detention Watch Network filed a FOIA **requesting the expedited release of documents** regarding the detention bed quota, which Immigration and Customs Enforcement (ICE) has interpreted as a requirement to **detain 34,000 non-citizens per day**, and mandates billions of dollars to private prison corporations and local and state jails to provide civil immigration detention beds. This quota is unprecedented and is inextricably linked to the **Obama administration's record-breaking number of deportations** (nearing a staggering two million). The Department of Homeland Security (DHS) and ICE failed to respond, so in January we filed a complaint in the Southern District of New York. Our motion for a preliminary injunction ordering DHS and ICE to produce the documents immediately is currently pending.



CCR offers a special thank you to those who joined the Founders Circle whose members make leadership gifts totaling \$1,000 or more to the Center during the year, and so doing, provide critical core support. *The individuals listed joined between Jun 16, 2013- Feb 15, 2014.*



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Breaking News:

Stop and Frisk Update

Vatican Forced to Answer to UN

GTMO: 12 Years and Still Fighting

AETA: 1st Amendment Rights of Activists

For even more information on these cases and all of CCR's work check out our 2013 Annual Report at: CCRjustice.org/annual-report

Update from an Ella: Jasmina Nogo

My first year of law school taught me that I didn't want to be a lawyer. I didn't like the competition, the emphasis on individual work, the anonymous grading system, or the rule-based memorization game that we all play as 1Ls. I told myself that if I didn't find myself practicing law the way I had imagined I would, during my first summer internship, then I wouldn't go back to law school. Fortunately my first internship was with CCR as an Ella Baker Fellow working at the Community Justice Project (CJP) site in Miami. This internship is the reason that I stuck with law school and am so excited to practice community and movement lawyering.

Through my fellowship placement, I learned that lawyering could be different from what I experienced at school. At CJP (one of the four Ella Baker sites) Chuck Elsesser and Meena Jagannath emphasized the CCR model of collaboration, encouraging interns to share and bounce ideas off of each other, as well as with them. In our trainings with CCR prior to beginning our placement we learned how to be inten-



tional in our work, in our relationships with our clients and in our relationships to movements.

At CJP, like at CCR, the clients are center-stage: they made the decisions, did the talking, were at the forefront of their cases and we, as lawyers and fellows, were there to support them.

With CCR and at CJP, I worked on a wide variety of cases, my favorite being advocacy and research to support the Dream Defenders and Power U who were organizing to dismantle the school-to-prison pipeline, end racial profiling and implement restorative justice. It was such a full summer, there was never a day that I didn't learn something new and never a day that I didn't challenge myself, push myself to push against the status quo. I learned that change comes from not only winning, but losing and the importance of strong solidarity among movements. Lawyers are just another tool in a much bigger movement, and we must humble ourselves to that.